

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
SERGEANT THOMAS O'GRADY,) No. 10 PB 2729
STAR No. 2035, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
(CR No. 1009215)
RESPONDENT.)

ORDER

On July 2, 2010, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant Thomas O'Grady, Star No. 2035, recommending that the Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct (a copy of the Charges and Specifications is attached hereto as Exhibit A).

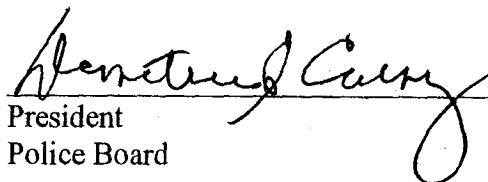
On November 18, 2010, the Superintendent moved to withdraw the charges against the Respondent without prejudice because the Respondent resigned his position with the Department of Police of the City of Chicago.

The Police Board of the City of Chicago has considered the Superintendent's motion to withdraw the charges against the Respondent without prejudice, and

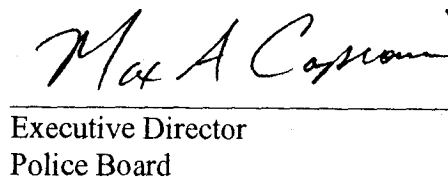
IT IS HEREBY ORDERED that the Superintendent's motion is **granted**.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18th DAY OF NOVEMBER, 2010.

Attested by:



President
Police Board



Executive Director
Police Board

CHARGES

Sergeant Thomas O'Grady, Star Number 2035, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the dates of the alleged violations.

- Rule 1: Violation of any law or ordinance.
- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Comment: Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

- Rule 14: Making a false report, written or oral.

SPECIFICATIONS

1. Sergeant Thomas O'Grady, Star Number 2035, is charged with violating Rule 1, "Violation of any law or ordinance," in one or more of the following instances:

On or about September 11, 2007, at approximately 7:00 p.m., at or near 1400 N. Campbell, in Chicago, Illinois, Sergeant O'Grady intentionally and/or knowingly without legal justification caused bodily harm to Enrique Reyes and/or made physical contact of an insulting or provoking nature with Mr. Reyes, in violation of 720 ILCS 5/12-3(a), when Sergeant O'Grady slammed Mr. Reyes' head against a squad car while Mr. Reyes was handcuffed; and/or grabbed Mr. Reyes by his face while Mr. Reyes was handcuffed; and/or grabbed Mr. Reyes by the throat while Mr. Reyes was handcuffed; and/or struck Mr. Reyes on the head and back while Mr. Reyes was handcuffed; and/or pulled on the back of Mr. Reyes' pants in a forceful manner, causing Mr. Reyes' pants to squeeze his testicles while Mr. Reyes was handcuffed.



2. Sergeant Thomas O'Grady, Star Number 2035, is charged with violating Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," in one or more of the following instances:

Count I: On or about September 11, 2007, at approximately 7:00 p.m., at or near 1400 N. Campbell, in Chicago, Illinois, Sergeant O'Grady impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when Sergeant O'Grady slammed Mr. Enrique Reyes' head against a squad car while Mr. Reyes was handcuffed; and/or grabbed Mr. Reyes by his face while Mr. Reyes was handcuffed; and/or grabbed Mr. Reyes by the throat while Mr. Reyes was handcuffed; and/or struck Mr. Reyes on the head and back while Mr. Reyes was handcuffed; and/or pulled on the back of Mr. Reyes' pants in a forceful manner, causing Mr. Reyes' pants to squeeze his testicles while Mr. Reyes was handcuffed.

Count II: On or about September 11, 2007, at approximately 7:00 p.m., at or near 1400 N. Campbell, in Chicago, Illinois, Sergeant O'Grady impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when Sergeant O'Grady told Mr. Enrique Reyes "Shut up or I will kill you, Rican" or words to that effect; and/or called Mr. Reyes a "Spic," "Fucking Spic," and/or "Rican" or words to that effect.

Count III: On or about September 11, 2007, at approximately 7:00 p.m., at or near 1400 N. Campbell, in Chicago, Illinois, Sergeant O'Grady impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when Sergeant O'Grady grabbed Mr. Enrique Reyes' keys from Mr. Reyes' waist and/or pants and/or attempted to throw Mr. Reyes' keys in the sewer.

Count IV: On or about September 11, 2007, while at the 014th District Station located at 2150 N. California, Sergeant O'Grady impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when Sergeant O'Grady gave instructions to Officers Brock Merck and/or Jennifer Hondzinski, to run a name check on Mr. Enrique Reyes and to release Mr. Reyes if Mr. Reyes' name came back clear in violation of G.O. 02-03-03, Sections III.A. and III.B, which reserves that authority solely for the Watch Commander.

Count V: On or about September 11, 2007, while at the 014th District Station located at 2150 N. California, Sergeant O'Grady impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when Sergeant O'Grady made a false oral report to Captain Joseph Drasutis when Sergeant O'Grady stated that the only force Sergeant O'Grady used during the arrest of Mr. Enrique Reyes was to place Mr. Reyes' hands behind his back, or words to that effect.

Count VI: On or about September 11, 2007, while at the 014th District Station located at 2150 N. California, Sergeant O'Grady impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when Sergeant O'Grady made a false written report in that completing a Tactical Response Report ("TRR") for the arrest of Mr. Enrique Reyes that indicated Mr. Reyes pulled away and/or was an "Active Resister," when in fact Mr. Reyes did not actively resist.

Count VII: On or about March 25, 2008, Sergeant O'Grady impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when Sergeant O'Grady made a false oral report in his statement to the Independent Police Review Authority in that Sergeant O'Grady denied that he grabbed Mr. Enrique Reyes by his face while Mr. Reyes was handcuffed; and/or denied that he grabbed Mr. Reyes by his throat while Mr. Reyes was handcuffed; and/or denied that he struck Mr. Reyes on his back when Mr. Reyes was handcuffed, when in fact Sergeant O'Grady did.

Count VIII: On or about March 25, 2008, Sergeant O'Grady impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when Sergeant O'Grady made a false oral report in his statement to the Independent Police Review Authority in that Sergeant O'Grady denied that he called Mr. Enrique Reyes a "Spic" and/or "Rican"; and/or threatened to kill Mr. Reyes, when in fact Sergeant O'Grady did.

3. Sergeant Thomas O'Grady, Star Number 2035, is charged with violating Rule 3, "Any failure to promote the Department's efforts to implement its policy or accomplish its goals," in the following instance:

On or about September 11, 2007, while at the 014th District Station located at 2150 N. California, Sergeant O'Grady failed to promote the Department's efforts to implement its policy and/or accomplish its goals when Sergeant O'Grady gave instructions to Officers Brock Merck and/or Jennifer Hondzinski, to run a name check on Mr. Enrique Reyes and to release Mr. Reyes if Mr. Reyes' name came back clear in violation of G.O. 02-03-03, Sections III.A. and III.B, which reserves that authority solely for the Watch Commander.

4. Sergeant Thomas O'Grady, Star Number 2035, is charged with violating Rule 6, "Disobedience of an order or directive, whether written or oral," in the following instance:

On or about September 11, 2007, while at the 014th District Station located at 2150 N. California, Sergeant O'Grady disobeyed an order and/or directive, whether written or oral, when Sergeant O'Grady gave instructions to Officers Brock Merck and/or Jennifer Hondzinski, to run a name check on Mr. Enrique Reyes and to release Mr. Reyes if Mr. Reyes' name came back clear in violation of G.O. 02-03-03, Sections III.A. and III.B, which reserves that authority solely for the Watch Commander.

5. Sergeant Thomas O'Grady, Star Number 2035, is charged with violating Rule 8, "Disrespect to or maltreatment of any person, while on or off duty," in one or more of the following instances:

Count I: On or about September 11, 2007, at approximately 7:00 p.m., at or near 1400 N. Campbell, in Chicago, Illinois, Sergeant O'Grady disrespected and/or mistreated Mr. Enrique Reyes, while on duty, when Sergeant O'Grady slammed Mr. Reyes' head against a squad car while Mr. Enrique Reyes was handcuffed; and/or grabbed Mr. Reyes by his face while Mr. Reyes was handcuffed; and/or grabbed Mr. Reyes by the throat while Mr. Reyes was handcuffed; and/or struck Mr. Reyes on the head and back while Mr. Reyes was handcuffed; and/or pulled on the back of Mr. Reyes' pants in a forceful manner, causing Mr. Reyes' pants to squeeze his testicles while Mr. Reyes was handcuffed.

Count II: On or about September 11, 2007, at approximately 7:00 p.m., at or near 1400 N. Campbell, in Chicago, Illinois, Sergeant O'Grady disrespected and/or mistreated Mr. Enrique Reyes, while on duty, when Sergeant O'Grady told Mr. Reyes "Shut up or I will kill you, Rican" or words to that effect; and/or called Mr. Reyes a "Spic," "Fucking Spic," and/or "Rican" or words to that effect.

Count III: On or about September 11, 2007, at approximately 7:00 p.m., at or near 1400 N. Campbell, in Chicago, Illinois, Sergeant O'Grady disrespected and/or mistreated Mr. Enrique Reyes, while on duty, when Sergeant O'Grady grabbed Mr. Reyes' keys from Mr. Reyes' waist and/or pants and/or attempted to throw Mr. Reyes' keys in the sewer.

6. Sergeant Thomas O'Grady, Star Number 2035, is charged with violating Rule 9 "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty," in one or more of the following instances:

Count I: On or about September 11, 2007, at approximately 7:00 p.m., at or near 1400 N. Campbell, in Chicago, Illinois, Sergeant O'Grady, while on duty, engaged in an unjustified verbal and/or physical altercation with Mr. Enrique Reyes by slamming Mr. Reyes' head against a squad car while Mr. Reyes was handcuffed; and/or grabbing Mr. Reyes by his face while Mr. Reyes was handcuffed; and/or grabbing Mr. Reyes by the throat while Mr. Reyes was handcuffed; and/or striking Mr. Reyes on the head and back while Mr. Reyes was handcuffed; and/or pulling on the back of Mr. Reyes' pants in a forceful manner, causing Mr. Reyes' pants to squeeze his testicles while Mr. Reyes was handcuffed.

Count II: On or about September 11, 2007, at approximately 7:00 p.m., at or near 1400 N. Campbell, in Chicago, Illinois, Sergeant O'Grady, while on duty, engaged in an unjustified verbal and/or physical altercation with Mr. Enrique Reyes by telling Mr. Reyes "Shut up or I will kill you, Rican" or words to that effect; and/or calling Mr. Reyes a "Spic," "Fucking Spic," and/or "Rican" or words to that effect.

Count III: On or about September 11, 2007, at approximately 7:00 p.m., at or near 1400 N. Campbell, in Chicago, Illinois, Sergeant O'Grady, while on duty, engaged in an unjustified verbal and/or physical altercation with Mr. Enrique Reyes by grabbing Mr. Reyes' keys from Mr. Reyes' waist and/or pants and/or attempting to throw Mr. Reyes' keys in the sewer.

7. Sergeant Thomas O'Grady, Star Number 2035, is charged with violating Rule 14 "Making a false report, written or oral," in one or more of the following instances:

Count I: On or about September 11, 2007, while at the 014th District Station located at 2150 N. California, Sergeant O'Grady made a false oral report to Captain Joseph Drasutis when Sergeant O'Grady stated that the only force Sergeant O'Grady used during the arrest of Mr. Enrique Reyes was to place Mr. Reyes' hands behind his back, or words to that effect.

Count II: On or about September 11, 2007, while at the 014th District Station located at 2150 N. California, Sergeant O'Grady made a false written report when completing a Tactical Response Report ("TRR") for the arrest of Mr. Enrique Reyes that indicated Mr. Reyes pulled away and/or was an "Active Resister," when in fact Mr. Reyes did not actively resist.

Count III: On or about March 25, 2008, Sergeant O'Grady made a false oral report in his statement to the Independent Police Review Authority when Sergeant O'Grady denied that he grabbed Mr. Enrique Reyes by his face while Mr. Reyes was handcuffed; and/or denied that he grabbed Mr. Reyes by his throat while Mr. Reyes was handcuffed; and/or denied that he struck Mr. Reyes on his back, when Mr. Reyes was handcuffed, when in fact Sergeant O'Grady did.

Count IV: On or about March 25, 2008, Sergeant O'Grady made a false oral report in his statement to the Independent Police Review Authority when Sergeant O'Grady denied that he called Mr. Enrique Reyes a "Spic" and/or "Rican"; and/or threatened to kill Mr. Reyes, when in fact Sergeant O'Grady did.

Based on the foregoing charges and specifications, the Superintendent recommends that Sergeant Thomas O'Grady, Star Number 2035, be discharged from the Chicago Police Department.



JODY P. WEIS
Superintendent of Police

APPROVED AS TO FORM



Mary Ernesti
Assistant Corporation Counsel

P. B. CASE

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CHICAGO POLICE BOARD